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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

19 ORACLE AMERICA, INC.,

Plaintiff,

21 v.

22 GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DAVID ZIMMER IN
SUPPORT OF GOOGLE INC.'S MOTION
TO STRIKE PORTIONS OF THIRD
EXPERT REPORT BY IAIN COCKBURN
AND EXPERT REPORT BY STEVEN
SHUGAN**

Judge: Hon. William Alsup

Date Comp. Filed: October 27, 2010

1 I, David Zimmer, declare as follows:

2 1. I am an associate in the law firm of Keker & Van Nest LLP, counsel to Google
3 Inc. ("Google") in the present case. I submit this declaration in support of Google Inc.'s Motion
4 to Strike Portions of the Third Expert Report by Iain Cockburn and Expert Report by Steven
5 Shugan. I have knowledge of the facts set forth herein, and if called to testify as a witness
6 thereto could do so competently under oath.

7 2. Attached hereto as **Exhibit A** are true and correct copies of excerpted pages from
8 the rough transcript of the deposition of Dr. Iain M. Cockburn, taken February 10, 2012. The
9 parties do not yet have the certified transcript. Google will submit excerpts from the certified
10 transcript as soon as it is available.

11 3. Attached hereto as **Exhibit B** are true and correct copies of excerpted pages from
12 the transcript of the deposition of Dr. Mark Reinhold, taken February 15, 2012.

13 4. Attached hereto as **Exhibit C** is a true and correct copy of D. Harhoff, F. Scherer
14 & K. Vopel, *Citations, family size, opposition and the value of patent rights*, 32 Research Policy
15 1343 (September 2003).

16 5. Attached hereto as **Exhibit D** are true and correct copies of excerpted pages from
17 the transcript of the deposition of Dr. Steven Shugan, taken September 26, 2011.

18 6. Attached hereto as **Exhibit E** is a true and correct copy of the transcript of the
19 January 23, 2012 hearing in *Apple, Inc. v. Motorola, Inc.*, No. 11 C 8540 (N.D. Ill.).

20 7. Attached hereto as **Exhibit F** are true and correct copies of excerpted pages from
21 the expert report of Dr. Gregory Leonard, dated October 24, 2011.

22 8. Attached hereto as **Exhibit G** are true and correct copies of excerpted pages from
23 the transcript of the deposition of Dr. Iain M. Cockburn, taken October 17, 2011.

24 9. Attached hereto as **Exhibit H** are true and correct copies of excerpted pages from
25 the rough transcript of the deposition of John Rose, taken February 15, 2012. The parties do not
26 yet have the certified transcript. Google will submit excerpts from the certified transcript as soon
27 as it is available.

28 10. Attached hereto as **Exhibit I** are true and correct copies of excerpted pages from

1 the rough transcript of the deposition of Hinkmond Wong, taken February 16, 2012. The parties
2 do not yet have the certified transcript. Google will submit excerpts from the certified transcript
3 as soon as it is available.

4 11. Attached hereto as **Exhibit J** are true and correct copies of excerpted pages from
5 the rough transcript of the deposition of Dr. Peter Kessler, taken February 16, 2012. The parties
6 do not yet have the certified transcript. Google will submit excerpts from the certified transcript
7 as soon as it is available.

8 12. Attached hereto as **Exhibit K** are true and correct copies of excerpted pages from
9 the rough transcript of the deposition of Christopher Plummer, taken February 16, 2012. The
10 parties do not yet have the certified transcript. Google will submit excerpts from the certified
11 transcript as soon as it is available.

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13 I declare under penalty of perjury that the foregoing is true and correct and that this
14 declaration was executed at San Francisco, California on February 17, 2012.

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By:



DAVID ZIMMER

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